

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

CHIEF HEARING OFFICER DIRECTIVE

DOCKET NO. 2021-66-A ORDER NO. 2021-62-H

MAY 13, 2021

CHIEF HEARING OFFICER: David Butler

DOCKET DESCRIPTION:

South Carolina Office of Regulatory Staff's Motion to Solicit Comments from Utilities and Other Interested Stakeholders Regarding Measures to Be Taken to Mitigate Impact of Threats to Safe and Reliable Utility Service

MATTER UNDER CONSIDERATION:

Petition to Intervene of Clinton Newberry Natural Gas Authority ("CNNGA" or "the Petitioner")

CHIEF HEARING OFFICER'S ACTION:

This matter comes before the Chief Hearing Officer on the Petition to Intervene of Clinton Newberry Natural Gas Authority. No objections to the Petition to Intervene have been filed.

Under Commission regulation, the Commission must determine whether or not the petitioning party has clear factual support or grounds for the proposed intervention. S.C. Regs. 103-825A(3) requires that parties filing a Petition to Intervene in a matter pending before the SC Public Service Commission must set forth clearly and concisely:

- (a) The facts from which the nature of the petitioner's alleged right or interest can be determined;**
- (b) The grounds of the proposed intervention;**
- (c) The position of the petitioner in the proceeding.**

CNNGA clearly sets out the facts from which the nature of the right or interest can be determined, the grounds of the proposed intervention, and its position in this case. The Petitioner is a special purpose district organized in accordance with South Carolina law to deliver and/or supply natural gas to residential, industrial, and other customers located in the counties of Newberry, Laurens and a portion of Spartanburg. CNNGA states that it is exempt from economic regulation by the PSC. See S.C. Code Ann. 58-5-920(I) (defining "gas utility" to exclude "gas authorities, municipalities and public service districts and other political subdivisions of this State from any economic regulation by [PSC]"); see also PSC Reg. 103-401(1).

On February 19, 2021, the Honorable Henry McMaster, Governor of South Carolina ("the Governor"). in a letter to the Office of Regulatory Staff ("ORS") Executive Director

Nanette Edwards, requested that the ORS "undertake a comprehensive review of the State's public and private power grid to evaluate its ability to withstand potential ice storms and other dangerous winter weather conditions." The Governor further encouraged "utilities not currently subject to the jurisdiction of ORS and the PSC ... to intervene in the matter to facilitate a comprehensive and collaborative review."

In response thereto, on February 22, 2021, the ORS filed with PSC a "Motion to Solicit Comments from Utilities and Other Interested Stakeholders Regarding Measures to be Taken to Mitigate Impacts of Threats to Safe and Reliable Utility Service" pursuant to PSC Reg. 103-829, asking the Commission: "(T) o open a docket and require electric and natural gas utilities to provide information to the Commission regarding the measures that have been taken, or will be taken, to: 1) mitigate the negative impacts of ice storms and other dangerous weather conditions to the provision of safe and reliable utility service, and 2) ensure peak customer demands on the utility system can be met during extreme weather scenarios."

Thereafter, on March 10, 2021, PSC issued a Commission Directive establishing such docket, in addition to "Guidelines for Comments by Utilities and Other Interested Stakeholders Regarding Mitigation Impact of Threats to Safe and Reliable Utility Service" (the "Order"). Order No. 2021-163, in Docket No. 2021-66- A. In its Order, the PSC endeavored to "encourage the participation in this Docket of ... non-regulated electric and gas utilities in South Carolina." The Petitioner, as a provider of natural gas supply to thousands of customers, asserts that it appreciates the opportunity to participate in this proceeding and hopes to be able to be a valuable contributor thereto.

The Petitioner believes it is in the interest of its customers, as well as the South Carolina community as a whole, that CNNGA be allowed to intervene in this proceeding. Further, the Petitioner asserts that granting its request to be a party of record in this proceeding is in accordance with the Governor's request and consistent with PSC's wish for participation by non-regulated energy providers.

Pursuant to these facts, this Hearing Officer holds that Clinton Newberry Natural Gas Authority has successfully satisfied the criteria for intervention stated in the Commission Regulation. Its interest in this matter can clearly be discerned, as can the grounds for the intervention. Further, its position is clearly stated.

As previously noted, there are no objections to the intervention. Accordingly, the Petition to Intervene of Clinton Newberry Natural Gas Authority is hereby granted in this Docket. This ends the Chief Hearing Officer's Directive.